

For CORPS Office Use Only		For DEP Office Use Only	
App. #		File #	L –
Office Code		Fee Paid	
Date Received		Date Received	
Date Completed		ATS #	

APPLICATION FOR PERMIT

CRANBERRY CULTIVATION

This form can be used by applicants requesting a State General Permit in accordance with the provisions of State law, Title 38 M.R.S.A. §480-U, and a Federal permit in accordance with Federal law, 33 USC 1413, §404. Instructions are attached.

PLEASE TYPE OR PRINT:

① APPLICANT INFORMATION:

Name of Applicant			
Street/Box #			
City			
State		Zip	
Telephone #			

Local Contact or Agent			
Street/Box #			
City			
State		Zip	
Telephone #			

② PROPERTY INFORMATION:

Name of Wetland, if named			
Nearest Road, Street, or Route Number		Tax Map #	Tax Lot #
City/Town		County	
Name of Any Person Previously Contacted at the DEP or CORPS			

③ ATTACHMENTS:

- A. ☐ **Attach as Exhibit #1** written certification by a knowledgeable professional that the cranberry cultivation project will not be located in a wetland that has special characteristics. Please see attached form, page #7.
- B. ☐ **Attach as Exhibit #2** site plans*, drawn to scale, that include the following elements:
1. A location map, using a USGS topo sheet with the project location clearly marked ☐
 2. A plan view showing existing and proposed beds, dikes, ditches, roads, ponds, and other appurtenant facilities (include north arrow) ☐
 3. Cross-sectional drawings of beds, dams, dikes, ditches, and ponds (reference on the plan view) ☐
 4. Length, width and depth of beds, dikes and ditches ☐
 5. Delineation of the wetland boundaries and calculated area of wetlands affected * ☐
 6. Type and size of water control structures ☐
 7. Location of water sources ☐
- Note:** Appurtenant facilities including, but not limited to, storage buildings, parking areas and processing areas, may not be located in freshwater wetland. This limitation does not apply to pump houses, roadways, service areas and other appurtenant facilities directly related and needed to carry out the water related activities.
- * For the Corps review, at least one set of project plans must be on 8 1/2" by 11" size paper. They must be clear, reproducible, and legible; and each sheet (including the location map) must have a consistent title block, numbering scheme, and date. **PLEASE NOTE THAT REDUCTIONS OF LARGE SCALE PLANS ARE NOT GENERALLY ACCEPTABLE TO THE CORPS.** The wetland delineation must be completed using the 1987 Corps of Engineers Wetland Delineation Manual, unless otherwise approved by the Corps. A COPY OF THE DELINEATION REPORT MUST BE SUBMITTED.*
- C. ☐ **Attach as Exhibit #3** a narrative describing:
1. Existing vegetation ☐
 2. Water sources for the project ☐
 3. Amounts, types, and sources of fill material to be discharged over the beds ☐
 4. Amounts, types, and sources of fill material to be discharged in waters or wetlands ☐
- D. ☐ **Attach as Exhibit #4** a soil erosion and sedimentation control plan that is consistent with erosion and sediment control specifications as determined by the Department of Agriculture, Food & Rural Resources and the DEP.
- E. ☐ **Attach as Exhibit #5** a plan for water recovery system, including either a reservoir or the cranberry beds themselves, that is designed to contain the runoff from the project area during a 10-year, 24-hour storm event.

- F. ☐ **Attach as Exhibit #6** a plan to maintain a 75-foot buffer strip from any river or stream draining a watershed of 100 acres or more. Excavated ditches and water intake and outfall pipes or control structures may be allowed in the 75-foot buffer area.
- G. ☐ **Attach as Exhibit #7** design specifications for water intake and outfall pipes and excavated ditches which must be consistent with specifications as determined by the Department of Agriculture, Food & Rural Resources and the DEP.
- H. ☐ **Attach as Exhibit #8** a plan to maintain minimum downstream flows for each water supply area, if a river, stream, or brook is used as a water supply. Minimum base flow is the aquatic base flow for that watershed, or a flow that can be shown to protect designated uses and characteristics assigned in Section 465. If a river, stream or brook will not be used as a water supply, this exhibit should clearly indicate that fact

For Corps Review, submit a water source budget including the source of water, quantity removed from the source, the projected impact on adjacent wetlands (from drawdown, etc.), and back-up water supply source.

- I. ☐ **Attach as Exhibit #9** a management plan that includes a pesticide and fertilizer program approved by the Department of Agriculture, Food & Rural Resources. The plan must include the following practices:
1. The application of nutrients and soil amendments in terms of timeliness, amounts, materials and method of application; ☐
 2. The use of current integrated pest management practices for applying pesticides properly and in the minimum amounts necessary to control pests; and ☐
 3. The management of water in terms of bed drainage, runoff disposal, sprinkler irrigation, control devices to separate natural water from pumping supply for irrigation purposes, back-siphoning prevention devices (for chemigation) and flooding. ☐
- J. ☐ **Attach as Exhibit #10** a certification that the requirements for a "natural cranberry bog" cultivation project will be met, if applicable. See Subsection 2.D. of 38 M.R.S.A. 480-U.

④ ATTACHMENTS FOR CORPS REVIEW

Information applicable to the Corps General Permit only:

- A. ☐ **Attach as Exhibit #11** the soil series in the project area, confirmed by a field check.
- B. ☐ **Attach as Exhibit #12** a discussion of any alternatives that may avoid or minimize waterway or wetland impacts. For example, if a road crossing is proposed, was alternative access or crossing at a narrower point considered?
- C. ☐ **Attach as Exhibit #13** a discussion of any historic properties in the area. Applicants must submit a copy of the application and plans to the Maine Historic Preservation Commission at the same time or before they apply for Corps review. The MHPC can be contacted at 207-287-2132 for more information. Submit any Commission correspondence to the Corps upon receipt.

- ⑤ **FEES:** State application fee - **\$199.00**. Submit with application. Make checks payable to: Treasurer State of Maine. NO Corps application fees are required.

⑥ SIGNATURE:

By signing below the applicant (or authorized agent), certifies that he or she has:

- ☐ Completed all of the public notice requirements listed on the next page of this application.
- ☐ Read and understood the following:

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application can not be processed nor can a permit be issued.

CORPS SIGNATORY REQUIREMENT

U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment." ***

"I hereby authorize the person named below to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application."

SIGNATURE OF APPLICANT

DATE

"Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in the application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant."

SIGNATURE OF AGENT

DATE

➡ NOTE: Any changes in project plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the project changes.

***** In general, the Department will not have to enter a building to ensure that a cranberry operation is in compliance with the NRPA. If the Department does find that entry into a building such as a pump house is necessary, the applicant will be notified and the reason for the inspection will be explained at least 24 hours prior to entry into the building.**

INFORMATION CONCERNING THE FILING OF PUBLIC NOTICE

The Department of Environmental Protection requires that an applicant provide public notice in which he/she describes the project activity and where it is located. Three notices all using the same form (see Notice of Intent to File) are required. The notice requirements are as follows:

1. Newspaper

You must publish the Notice of Intent to File in a newspaper circulated in the area where the project is located. The notice must appear in the newspaper within 30 days prior to your filing the application with this Department.

2. Abutting Property Owners

You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the project. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to your filing the application with this Department.

List below the names and addresses of the owners of abutting property (attach an additional sheet if necessary)

NAME	ADDRESS

3. Municipal Office

You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

4. Water Company/District

If the river, stream, or brook is used by a water company, municipality, or water district as a source of water supply, you must also, at the time of filing the application, forward a copy of the application to the water company, municipality, or water district by certified mail.

➡ **NOTE:** *The applicant shall use the Notice of Intent to File form on the next page or one containing identical information to notify abutters, municipal officials, and local newspapers.*

NOTICE OF INTENT TO FILE

Please take notice that

Name: _____

Address: _____

Phone: _____

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. Section 480-U

on or about (*anticipated filing date*) _____.

The application is for (*state specifically what is to be done*):

_____ the construction of a cranberry cultivation project. _____

at the following location (*state project location*):

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Environmental Protection's office in (Portland, Augusta, Bangor) during normal working hours. A copy of the application may also be see at the municipal offices in

_____, Maine.

Written public comments may be sent to:

Department of Environmental Protection
Bureau of Land and Water Quality
17 State House Station
Augusta, ME 04333-0017

WRITTEN CERTIFICATION

WETLAND CHARACTERISTICS

EXHIBIT 1

I hereby certify that the cranberry cultivation project **will/will not** be located in a wetland that has one or more of the following characteristics:

#	Characteristic	Will	Will Not
1.	Is a coastal wetland or is located within 250 feet of a coastal wetland	<input type="checkbox"/>	<input type="checkbox"/>
2.	Is a great pond	<input type="checkbox"/>	<input type="checkbox"/>
3.	Contains endangered or threatened plant species listed under Title 5 Section 3315	<input type="checkbox"/>	<input type="checkbox"/>
4.	Contains any type of palustrine natural community of which there are 20 or fewer occurrences in the State	<input type="checkbox"/>	<input type="checkbox"/>
5.	Contains any of the following resources: <ul style="list-style-type: none">Habitat for species appearing on the official state or federal lists of endangered or threatened species when there is evidence that the species is present **As defined by rule by the Commissioner of Inland Fisheries and Wildlife, whether or not the resource has been mapped, high-value and moderate-value deer wintering areas; deer travel corridors; high-value and moderate-value waterfowl or wading bird habitats, including nesting and feeding areas; shorebird nesting, feeding or staging areas; or seabird nesting islands; orCritical spawning and nesting areas for Atlantic sea run salmon as defined by rule by the Atlantic Sea Run Salmon Commission	<input type="checkbox"/>	<input type="checkbox"/>
6.*	Is located within 250 feet of the normal high water line and within the same watershed of any lake or pond classified as GPA under Section 465-A	<input type="checkbox"/>	<input type="checkbox"/>
7.*	Is a bog dominated by ericaceous shrubs, sedges and sphagnum moss and usually having a saturated water regime, except that applications proposing reclamation of previously mined peat bogs may be considered	<input type="checkbox"/>	<input type="checkbox"/>
8.	Is land adjacent to the main stem of a major river, as classified in Section 467, that is inundated with flood water during a 100-year flood event and that under normal circumstances supports a prevalence of wetland vegetation, typically adapted for life in saturated soils; or	<input type="checkbox"/>	<input type="checkbox"/>
9.	Contains at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for man-made ponds or impoundments, during most of the growing season in most years; except that cranberry cultivation is allowed more than 250 feet from the edge of the area of aquatic vegetation, emergent marsh vegetation or open water.	<input type="checkbox"/>	<input type="checkbox"/>

* **NOTE:** A project to cultivate indigenous cranberries may be located in wetlands described in Numbers 6 and 7 if the project location is a natural cranberry bog and provisions of Subsection 2.D of 38 M.R.S.A. Section 480-U are met. A "natural cranberry bog" means an area with indigenous large cranberries, *Vaccinium macrocarpon* Ait., comprising more than 50% of the cover in the herbaceous layer; and "cover in the herbaceous layer" means all herbaceous or woody vegetation less than 10 inches in height.

** *For Corps review, applicants must contact Linda Welch of the U.S. Fish & Wildlife Service at 207-827-5938 for information about federally listed threatened or endangered species or critical habitat in the project area. Any USFWS documentation must be included in this application.*

Signature_____

Professional Title_____